IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

Crl.RC.No. 1 of 2001()

CRA.101/1995 of II ADDL. SESSIONS COURT, PALAKKAD
CC.152/1988 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR

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PARTIES :

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1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

2. THANKAMANI. S/O.SWAMINATHAN VAIDYAR
POLPULLY AMSOM
PALAKKAD TALUK.

BY ADV. SRI.ALAN PAPALI
SRI.M.P.PRABHANANDAN

THIS CRIMINAL RIVISION CASE HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.C.No.1 of 2001

Dated this the 8th day of August, 2007

O R D E R

The revision was taken suo moto as it was found that the sentence imposed for the offence under Section 326 IPC is in violation of the statutory provision. The sentence imposed by the Sessions Judge is only to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for one month.

2. It is seen that the accused A1 to A4 are ladies and allegedly the overt act was committed by A1 alone. Of course, the court below i.e., the Sessions Judge has committed an irregularity and not imposed the sentence of imprisonment and fine as stipulated under Section 326 IPC. All the same, it is seen that the incident has taken place on 25.2.1988. About 20 years have elapsed since the commencement of the proceedings. In the circumstances, I find that it would not be appropriate to remit the case back to the court below.

The R.C. is closed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.406/1997

ORDER

7th August 2007